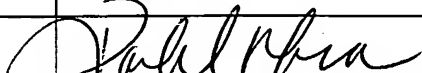




02-06-02

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CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop: _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on the date indicated below.			
Express Mail Label: EV 765 980 986 US			
Typed or print name	Rachel Mena		
Signature		Date	February 3, 2006

PATENT

Attorney Docket No.: 39740-0009A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**PATENT APPLICATION**

Inventor(s): David Agus et al.

Application No.: 10/773,951

Filed: February 6, 2004

Title: Gene Expression markers for response to EGFR
Inhibitor Drugs

Confirmation No.: 8470

Art Unit: 1634

Examiner: Shaw, Amanda Marie

INFORMATION DISCLOSURE STATEMENT**UNDER 37 C.F.R. §1.97**Mail Stop:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:


- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 39740-0009A).

Respectfully submitted,

By: 

Leslie A. Mooi
Reg. No.: 37,047

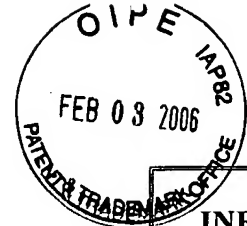
Dated: February 3, 2006

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Customer No.: 25213



INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO. 39740-0009A	SERIAL NO. 10/773,951		
			APPLICANT: David Agus et al.,			
			FILING DATE: 2/6/2004		GROUP: 1634	
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	2002/0004491	1/10/2002	Jiangchun Xu, et al.	514	44	
	2002/0039764	4/4/2002	Craig A. Rosen	435	69.1	
	2002/0160395	10/31/2002	Dario C. Altieri, et al.	435	6	
	2003/0198972	10/23/2003	Mark G Erlander, et al.	435	6	
	2003/0219771	11/27/2003	Michael Bevilacqua, et al.	435	6	
	2003/0229455	12/11/2003	Michael Bevilacqua, et al.	702	20	
	2004/0126775	7/1/2004	Dario C. Altieri, et al.	435	6	
	4,968,603	11/06/1990	Dennis J. Slamon, et al.	435	6	
	5,202,429	4/13/1993	Yoshihide Tsujimoto, et al.	536	23.5	
	5,670,325	9/23/1997	Stanley N. Lapidus, et al.	435	6	
	5,741,650	4/21/1998	Stanley N. Lapidus, et al.	435	6	
	5,830,665	11/3/1998	Anthony P. Shuber, et al.	435	6	
	5,830,753	11/3/1998	Pierre Coulie, et al.	435	325	
	5,861,278	1/19/1999	Gordon W. Wong, et al.	435	69.1	
	5,928,870	7/27/1999	Stanley N. Lapidus, et al.	435	6	
	5,952,178	9/14/1999	Stanley N. Lapidus, et al.	435	6	
	5,962,312	10/5/1999	Gregory Plowman, et al.	435	320.1	
	6,020,137	2/1/2000	Stanley N. Lapidus, et al.	435	6	
	6,100,029	8/8/2000	Stanley N. Lapidus, et al.	435	6	
	6,143,529	11/7/2000	Stanley N. Lapidus, et al.	435	91.2	
	6,146,828	11/14/2000	Stanley N. Lapidus, et al.	435	6	
	6,171,798	1/9/2001	Arnold L Levine, et al.	435	6	
	6,207,401	3/27/2001	Gregory Plowman, et al.	435	15	
	6,245,523	6/12/2001	Dario C. Altieri	435	69.1	
	6,620,606	9/16/2003	Olga Bandman, et al.	435	219	
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO. 39740-0009A		SERIAL NO. 10/773,951	
			APPLICANT: David Agus et al.,			
			FILING DATE: 2/6/2004		GROUP: 1634	
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,696,558	2/24/2004	John C. Reed, et al.	536	23.5	
	6,716,575	4/6/2004	Gregory Plowman, et al.	435	6	
	6,750,013	6/15/2004	Kurt C. Gish, et al.	435	6	
	6,203,993	3/20/2001	Anthony P. Shuber, et al.	435	6	
	6,214,558	4/10/2001	Anthony P. Shuber, et al.	435	6	
	6,248,535	6/19/2001	Danenberg Kathleen, et al	435	6	
	6,800,737	10/5/2004	Dario C. Altieri	530	386	
	6,943,150	9/13/2005	Dario C. Altieri	514	21	
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.